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GOVERNOR

STATE OF MICHIGAN
NATURAL RESOURCES COMMISSION
LANSING



REBECCA A. HUMPHRIES
DIRECTOR

RESUBMITTED: July 12, 2004
August 16, 2004

Memorandum to the Natural Resources Commission

SUBJECT: Non-toxic Shot Use on Selected State Game and Wildlife Areas

Authority

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

This order addresses the issue of non-toxic shot use on selected State Game and Wildlife Areas (SGWA). While the use of non-toxic shot has been a federal requirement for waterfowl hunting since 1992, this proposed restriction will require all shotgun hunters to use and possess only approved non-toxic shot while hunting on the identified SGWA. This restriction applies only to shotgun hunters using multi-shot loads on the listed SGWA. These SGWA are located in southern Michigan's Hunting Zone 3.

Use of non-toxic shot has been in effect on these areas intermittently for over 30 years. These sites are recommended for conversion to non-toxic shot use since they have a high concentration of hunters and significant numbers of waterfowl and other wildlife that may be injured by ingestion of lead. This non-toxic shot requirement will reduce the risk of lead poisoning to wildlife using these tracts of important wildlife habitat.

Recommendation:

This order was submitted for information only at the August, 2004 meeting of the Natural Resources Commission. This item appeared in the August 2, 2004 Calendar and is eligible for approval on September 9, 2004. We are now recommending that it be acted upon at this meeting.

Douglas A. Reeves, Acting Chief
Wildlife Division

Alan Marble, Acting Chief
Law Enforcement Division

Mindy S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 17 of 2004

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective September 11, 2004, the following sections of the Wildlife Conservation Order shall read as follows:

13.3 Fish Point wildlife area; Nayanquing Point wildlife area; Pointe Mouillee state game area; Shiawassee river state game area; St. Clair flats wildlife area (Harsens Island unit); additional rules.

Sec. 13.3. On those portions of the Fish Point wildlife area, Nayanquing Point wildlife area, Pointe Mouillee state game area, Shiawassee river state game area, and St. Clair flats wildlife area (Harsens Island unit) posted "State Game Area -Hunting By Permit Only," the following rules shall apply:

(1) A person shall not take an animal except in the location(s) and within the time period specified on the hunter's permit.

(2) No person may possess or fire from a shotgun more than 25 shot shells during any hunting period, except as otherwise specifically provided in this order.

(3) Hunting of any animal is prohibited from September 1 to the opening of the general waterfowl season unless authorized by the director.

(4) Persons issued hunting permits are restricted to the lawful taking of waterfowl and small game except those permits issued specifically for bow and arrow or firearm deer hunting.

(5) Hunting shall be by reservation only on those days and units designated and published by the area manager. The area manager shall determine the number of reserved hunting permits to be issued. Applicants may not apply for more permits than authorized per hunter. The hunting reservation is not transferable from the original applicant to any other person.

(6) To hunt together as a party in a party permit area, all members of a group must register together prior to the drawing, except that a single hunter not participating in the drawing may join a party of 2 or 3 if that hunter's completed registration card is filed in the check station at the time of the drawing and the maximum party size is not exceeded. Party members must hunt together in their assigned permit area.

(7) During a day designated and published by the area manager as "Youth Day(s)," hunting parties made up of at least 1 youth, 12 to 16 years old, accompanied by 1 or 2 parents, guardians, or other persons authorized by the parent or guardian who is 17 years of age or older, with appropriate licenses and stamps, shall be given first priority for hunting permits.

(8) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.4 Crow Island state game area; additional rule.

Sec. 13.4. On those portions of the Crow Island state game area located in sections 4 to 5, T12N R5E; sections 7 to 9, 16 to 22, 27 to 30, and 32 to 33, T13N R5E, Bay and Saginaw counties, it is unlawful to use or possess any

shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.5 Maple river state game area; additional rule.

Sec. 13.5. On those portions of the wetland wildlife management units of the Maple river state game Area located in section 30, T9N R1W; and sections 20 to 23, and 25 to 29, T9N R2W, Gratiot county, it is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.6 Muskegon county wastewater system; additional rules.

Sec. 13.6. The following rules and regulations apply to managed hunting on the leased lands of the Muskegon county wastewater system, being sections 1, 2, 10 to 14, 23, and 24, T10N R15W; sections 6 to 8, 17 to 20, 29 to 32, T10N R14W, Muskegon county, as posted:

(1) Hunting will be authorized only for waterfowl (ducks and geese) from morning opening hour to 2:00 p.m. on weekdays. On Saturdays and Sundays, hunts will take place from the morning opening hour to noon and from 1:00 p.m. to closing hour.

(2) A person hunting shall have:

(a) Personal identification.

(b) A permit issued by the department daily at the Muskegon state game area headquarters.

(3) Controls:

(a) Only hunters with official permits will be admitted to the wastewater property or permitted to remain in the hunting area. Driving on the wastewater property is restricted to the most direct route to and from official parking areas. Other driving will require a permit from the county wastewater headquarters.

(b) Hunters shall only park in parking areas assigned at the drawings.

(c) Hunters shall not hunt outside of their assigned hunting zone, area, blind, or post. Hunters shall not possess loaded firearms or discharge firearms anywhere except from their assigned zone, area, blind, or post.

(d) All hunters must report to the Muskegon state game area check station to return tags and have game checked within 1 hour following the close of shooting.

(e) All hunters are limited to 15 shells with shot size no larger than No. BBB.

(f) Hunters and their permits and firearms will be subject to inspection by department or Muskegon county personnel.

(4) During a day designated and published by the area manager as "Youth Day(s)," hunting parties made up of at least 1 youth, 12 to 16 years old, accompanied by 1 or 2 parents, guardians, or other persons authorized by the parent or guardian who is 17 years of age or older, with appropriate licenses and stamps, shall be given first priority for hunting permits.

(5) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.7 St. John's marsh; additional rules.

Sec. 13.7. Within the St. John's marsh unit, St. Clair county, being that portion of state-owned lands and waters lying in sections 19, 30, and 31, T3N R16E; sections 24, 25, 35, and 36, T3N R15E; and sections 1 and 2, T2N R15E:

(1) Unless authorized by the director, hunting of all wildlife is prohibited west of the old Detroit united railway dike from September 1 until the opening of the general waterfowl season, except for bow and arrow and firearm deer hunting.

(2) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.11 Allegan state game area, Highbanks, Fennville farm, Bravo, and Ottawa marsh units; additional rules.

Sec. 13.11. The following rules and regulations shall apply to the taking of waterfowl, small game, and deer on the following portions of the Allegan state game area, Allegan county:

Highbanks unit; additional rules.

(1) Within the Highbanks unit, being all or portions of sections 4, 5, and 9, T2N R14W, posted "State Game Area - Hunting by Permit Only" or "Wildlife Refuge - Do Not Enter":

(a) No goose hunting is allowed from September 1 to the opening of the area goose season, except that on federal youth waterfowl hunting day(s) designated by the United States fish and wildlife service, the management unit supervisor, at their discretion, may permit waterfowl hunting by properly licensed youth 12 to 15 years of age. A current hunting license and appropriate stamps shall constitute a valid permit to hunt during the period when the area goose season is closed.

(b) During the area goose season, goose hunting is allowed from opening hour to 2 p.m., daily.

(c) A validated party registration hunting permit issued through a daily drawing is required to hunt geese from opening hour to 2 p.m., daily, during the area goose season. The hunting party leader shall be the hunter whose name appears first on this permit. The party leader must maintain this permit in possession while on the area. The party leader must provide information as required on the permit and return the permit as prescribed in the area hunting and use rules. Under daily permit, the maximum party size is limited to 3 hunters.

(d) A free seasonal managed area hunting record permit is required to hunt species other than geese during the area goose season.

(e) While goose hunting under authority of a validated party registration hunting permit, no person shall have in their possession or fire from their shotgun more than 12 shot shells.

(f) Goose hunters shall remain within 25 feet of the assigned blind/post and shall not leave the assigned area, except to retrieve downed game, until completion of the hunt. If a person leaves the assigned area, except to retrieve downed game, the person shall not resume goose hunting in the Highbanks unit that same day.

(g) During a day designated by the area manager as "Youth Day," only hunting parties made up of 1 to 4 youths, 12 to 16 years old, with appropriate licenses and stamps, accompanied by a parent or guardian, will be included in the daily drawing. Only youths will be permitted to hunt.

(h) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

Fennville farm unit; additional rules.

(2) Within the Fennville farm unit, being all or portions of sections 5, 7, 8, 9, 17, 18, 19, 20, and 30, T2N R15W; sections 12, 13, and 24, T2N R16W, posted "State Game Area - Hunting by Permit Only" or "Wildlife Refuge - Do Not Enter":

(a) No goose hunting is allowed from September 1 to the opening of the area goose season, except that on federal youth waterfowl hunting day(s) designated by the United States fish and wildlife service, the management unit supervisor, at their discretion, may permit waterfowl hunting by properly licensed youth 12 to 15 years of age. A

current hunting license and appropriate stamps shall constitute a valid permit to hunt during this period in farm zones 1, 9, and 10.

(b) In farm zones 1, 9, and 10 during the area goose season, small game, duck, and archery deer hunting are allowed from opening hour to closing hour, daily; goose hunting is allowed from opening hour to 2 p.m., daily.

(c) In farm zones 2 through 8 during the area goose season, goose and duck hunting only is allowed until 2 p.m. daily, except that on youth day, goose and duck hunting shall be from opening hour to 12 noon and 1 p.m. to closing hour. Small game, duck, and archery deer hunting are allowed after 3 p.m., daily, except for youth day.

(d) In farm zones 2 through 8, a validated party registration hunting permit issued through a daily drawing is required to hunt from opening hour to 2 p.m., daily, during the area goose season. The hunting party leader shall be the hunter whose name appears first on this permit. The party leader must maintain this permit in possession while on the area. The party leader must provide information as required on the permit and return the permit as prescribed in the area hunting and use rules. Under daily permit, party size is limited to a maximum of 6 hunters.

(e) In farm zones 2 through 8, no person shall possess a dog or use a dog for hunting.

(f) In farm zones 2 through 8, where corn strips are provided, goose hunting shall be confined to corn strips. The hunt is terminated upon leaving the assigned location.

(g) A free seasonal managed area hunting record permit is required to hunt during the area goose season in farm zones 1, 9, and 10 and in farm zones 2 through 8 from 3 p.m. to closing hour, daily.

(h) During the area goose season, no person shall have in their possession or fire from their shotgun more than 12 shot shells while afield in the permit area and hunting under the authority of a daily hunting permit.

(i) A current license and appropriate stamps shall constitute a valid permit to hunt in the non-refuge area when the area goose season is closed, except the management unit supervisor, at their discretion, may suspend hunting for all animals in zones 2 through 8 except deer and may issue permits for taking deer only during the deer hunting season in zones 2 through 8.

(j) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

(k) During that portion of the deer hunting season when the area goose season is closed, deer hunting may be allowed in the wildlife refuge at the discretion of the management unit supervisor.

(l) During a day designated by the area manager as "Youth Day," only hunting parties made up of 1 to 4 youths, 12 to 16 years old, with appropriate licenses and stamps, accompanied by a parent or guardian, will be included in the daily drawing. Only youths will be permitted to hunt.

(m) The management unit supervisor, at their discretion, may restrict the manner of taking ducks and may issue permits for the taking of ducks.

(n) During the area goose season, no hunting of deer with firearms is permitted.

(o) Refuge deer hunters shall remain within 25 feet of their assigned post/blind and shall not leave the assigned area, except to track and retrieve downed game; upon leaving their assigned post/blind, the person shall not resume deer hunting in the refuge that same day.

(p) Deer hunters hunting under the authority of a daily hunting permit may hunt from opening hour until 12 noon, daily, on the dates designated by the department, with a daily hunting permit issued through a daily drawing.

(q) Refuge deer hunters shall not take an antlered deer in that area identified and posted as "Wildlife Refuge – Do Not Enter."

(r) On days designated by the management unit supervisor, refuge deer hunting permits and non-refuge deer hunting permits will be issued to persons chosen in random drawings from applicants for each hunting period. Permits shall not be transferred or altered.

(s) Non-refuge deer hunters hunting under the authority of a daily hunting permit must hunt from within the corn-strips included within the assigned location, except to track and retrieve downed game.

Bravo unit; additional rules

(3) Within the Bravo unit, being all of portions of sections 26, 27, 34, and 35, T2N R15W, posted "State Game Area - Hunting by Permit Only" or "Wildlife Refuge - Do Not Enter":

(a) No goose hunting is allowed from September 1 to the opening of the area goose season, except that on federal youth waterfowl hunting day(s) designated by the United States fish and wildlife service, the management unit supervisor, at their discretion, may permit waterfowl hunting by properly licensed youth 12 to 15 years of age. A current hunting license and appropriate stamps shall constitute a valid permit to hunt the non-refuge area when the area goose season is closed.

(b) A current hunting license with appropriate stamps and seasonal hunter permit are required to hunt during the area goose season. Goose hunting ends daily at 2 p.m. during the area goose season.

(c) During the area goose season, no person shall have in their possession or fire from their shotgun more than 12 shot shells.

(d) It shall be unlawful for a person to resume goose hunting in the Bravo unit in one day after that person returns to a vehicle.

(e) No shooting is permitted from parking areas, except under a permit issued by the area manager.

(f) During a day designated by the area manager as "Youth Day," only hunting parties made up of 1 to 4 youths, 12 to 16 years old, with appropriate licenses and stamps, accompanied by a parent or guardian, will be included in the daily drawing. Only youths will be permitted to hunt.

(g) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

Ottawa marsh unit; additional rules.

(4) Within the Ottawa marsh unit, being all or portions of the state-owned lands and waters which are bounded on the north by the Kalamazoo river, on the south and west by the bottom of the bluff, and the Marathon pipeline right-of-way on the southeast, in sections 15, 22, 23, 24, 25, 26, and 27, T3N R15W, and sections 20 and 29, T3N R14W, the following rules are established:

(a) During the waterfowl season, the hunting hours for all migratory birds shall be from opening hour to 3 p.m. each day.

(b) No person shall erect on, anchor, or attach to the bottomlands of the Ottawa marsh a blind or any other structure to be used in the hunting of migratory waterfowl prior to August 15 of each year. Such blind or structure shall first have affixed permanently to the exterior thereof the name and address of such person in legible letters of water insoluble material not less than 3 inches in height. No person shall affix a fictitious name or address, or both, to a blind or structure or remove or cause to be removed a name and address until the blind or structure is removed from the water.

(c) Any person who shall erect, anchor, or attach such blind or structure to the bottomlands described in this subsection shall remove the entire blind including submerged supporting members no later than February 15. If not removed prior to February 16, the director may cause its removal or destruction and assess the costs of removal and storage, or destruction, against the person whose name is affixed to the blind or other structure, in addition to any other penalty provided by law.

(d) The posting of the name and address of the person erecting a blind or other structure attached to the bottomlands of the Ottawa marsh, used or to be used in the hunting of waterfowl, shall not be deemed to constitute the exclusive privilege of hunting therefrom, or to reserve or preempt a shooting location for such person nor shall such blind be locked to bar use when unoccupied.

(e) Any unoccupied waterfowl hunting blind may be used by the first person to occupy the blind each day; however, it shall be unlawful to use, occupy, or hunt from a blind or structure which does not meet the requirements established in this subsection.

(f) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.12 Wigwam bay state wildlife area, east unit; additional rule.

Sec. 13.12. Within the diked area of the east unit of the Wigwam Bay State Wildlife Area located in sections 4 to 5, T18N R6E; and sections 32 to 33, T19N R6E, Arenac county, it is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

13.3a Pointe Mouillee state game area; additional rule.

Sec. 13.3a. On those portions of the Pointe Mouillee state game area located in sections 23 to 26, T5S R10E; sections 30 to 31, T5S R11E; and sections 1 to 2, and 11 to 12, T6S R10E, Monroe and Wayne counties, it is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

Issued this 9th day of September, 2004.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director